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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,415	12/06/2000	William B. Werner	TI-27136	8758

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EXAMINER

USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,415

Applicant(s)

WERNER, WILLIAM B.

Examiner

Joseph G. Ustaris

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13, and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the RCE dated 03 October 2005 in application 09/731,415. Claims 1-4, 6-13, and 15-19 are pending. Claims 1, 8, and 15 are amended.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02 September 2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-13, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky (US006141530A) in view of Mercks et al. (US006384893B1).

Regarding claim 1, Rabowsky discloses a system and method for digital electronic cinema delivery that is used for "scheduling and controlling presentation of

data" (See Fig. 1 and Fig. 2; column 2 lines 25-47). The system includes multiple storage devices or "data library" (See Fig. 1 element 22 and Fig. 2 element 62) that stores cinema files or "plurality of features" (See column 10 lines 10-34) and inherently trailers and advertisements or "promotional data" (See column 12 lines 15-16, 25-29). The system also includes multiple secure projector systems or "plurality of data presentation units" for each room or "disposed at a corresponding one of a plurality of locations", where each projector system is used "to present at least one of the plurality of features" (See Fig. 2 element 76). Furthermore, the projector system is "coupled to the data library" or storage devices (See Fig. 2 elements 62 and 76). The system further includes an automation/scheduling system or "server" that is coupled to both storage devices or "server coupled to the data library" (See Fig. 1 and 2), where the automation/scheduling system is "located remotely" from the multiple screen rooms that has the secure projector systems (See Fig. 2, elements 76 and 80). The automation/scheduling system follows a schedule and selects "at least one of a desired number of features to present at a selected one of a desired plurality of times" and a screen room or "one of the plurality of locations at which to present the selected feature" (See column 12 lines 10-12), where each cinema file has restrictions associated with it or "determine restrictions applicable to the selected feature" (See column 12 lines 19-25). The schedule also schedules the play of all trailers or "select applicable promotional data to be presented with the selected feature" and allows the operator to select advertisements to be inserted (See column 12 lines 15-16 and 26-28). The automation/scheduling system utilizes the schedule to "automatically provide the

selected feature and promotional data from the data library to at least one of the plurality of data presentation units at the selected location at approximately the selected one of the desired plurality of times" (See column 12 lines 10-16). However, Rabowsky does not disclose that the automation/scheduling system can "control at least one facility element within the selected location at the selected one of the desired plurality of times".

Mercs et al. (Mercs) discloses a cinema networking system that utilizes a cinema controller to control multiple digital control processors (DCPs). The cinema controller can issue commands to the DCPs to control other devices such as auditorium lights and curtains in the room during the presentation of the movie or "at least one facility element within the selected location at the selected one of the desired plurality of times" (See column 5 lines 20-45). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the automation/scheduling system disclosed by Rabowsky to be able to "control at least one facility element within the selected location at the selected one of the desired plurality of times", as taught by Mercs, in order to reduce the amount of interaction required by the operator thereby providing a more efficient means of presenting a movie within a theater.

Regarding claim 2, Rabowsky in view of Mercs does not disclose a method of creating a "new scheduling data by rotating the selection of promotional data to be presented with the selected feature".

Official Notice is taken that it is well known to rotate the order of promotional data to be presented thereby creating a different schedule. Therefore, it would have been

obvious to one with ordinary skill in the art at the time the invention was made to modify the automation/scheduling system disclosed by Rabowsky in view of MerCs to create a "new scheduling data by rotating the selection of promotional data to be presented with the selected feature" in order to provide an easy means to create new schedules thereby reducing the processing load of the automation/scheduling system and requiring less interaction by the operator.

Regarding claim 3, the projector system or "data presentation unit" includes a projector or "electronic projector" (See Fig. 2 element 88).

Regarding claim 4, the automation/scheduling system and storage playback system receives cinema data and inherently trailers or "promotional data" from the headend or "remote source", which receives its data from original camera negatives that is scanned and digitized "for transfer to the data library" (See column 2 line 50 – column 3 lines 10).

Regarding claim 6, the "promotional data" includes trailers and advertisements as discussed in claim 1 above.

Regarding claim 7, Rabowsky in view of MerCs does not disclose that the "the feature is transmitted to the at least one data presentation unit using a wireless communication link".

Official Notice is taken that it is well known to use a "wireless communications link" to transfer files. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the storage/playback system and secure projector system disclosed by Rabowsky in view of MerCs to use a "wireless

communications link" to transfer cinema files or "feature" in order to reduce the amount of wires thereby making installation and selection of location of each device easier and more convenient.

Claim 8 contains the limitations of claim 1 (wherein the storage devices are also known as "storage medium" and the scheduling process, performed by the automation/scheduling system or also known as the "scheduler", is inherently repeated for all cinema files, trailers, and all playback times in order to create a schedule or "scheduling data" that is inherently stored within the storage device in order for the theater to run efficiently) and is analyzed as previously discussed with respect to that claim.

Claim 9 contains the limitations of claims 1 and 8 (where inherently the automation/scheduling system "automatically initiate transfer the selected feature and promotional data to at least one of the data presentation units in the selected location at approximately the selected one of the desired plurality of times" in order to successfully present the cinema and trailers) and is analyzed as previously discussed with respect to those claims.

Regarding claim 10, the theater rooms are able to report various information such as trouble reports, error messages, and messages related to the health and welfare of the room or "facility data...maintenance data" (See Mercks column 6 lines 42-52). Inherently, the automation/scheduling system would select locations that are fully operational based on the trouble reports and error messages in order to ensure successful presentation of the cinema and trailers.

Regarding claim 11, the system includes a conditional access system (CAS) that ensures the files in storage cannot be accessed without authorization and accountability or "accounting data" (See column 6 lines 5-38). Inherently, the CAS would prevent the headend or the automation/scheduling system access or "deactivate the feature to present" without proper authorization and accountability or "in response to accounting data".

Claim 12 contains the limitations of claims 6 and 8 and is analyzed as previously discussed with respect to those claims.

Claim 13 contains the limitations of claims 2 and 8 and is analyzed as previously discussed with respect to those claims.

Claim 15 contains the limitations of claims 1 and 8 and is analyzed as previously discussed with respect to those claims.

Claim 16 contains the limitations of claims 9 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 17 contains the limitations of claims 4 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 18 contains the limitations of claims 10 and 15 and is analyzed as previously discussed with respect to those claims.

Regarding claim 19, Rabowsky in view of Mercks further disclose that controller is coupled to a ticket system where it can receive performance data such as ticket sales (See Mercks column 4 line 64 – column 5 line 3).

Official Notice is taken that it is well known to “deactivate the selected feature in response to ticket sales data”. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the automation/scheduling system disclosed by Rabowsky in view of Mercs to “deactivate the selected feature in response to ticket sales data” in order to minimize financial loss.

Response to Arguments

3. Applicant's arguments filed 02 September 2005 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 1, 8, and 15 that Mercs does not disclose controlling at least one facility element within the selected location. Applicant further argues that the control is effected by a DCP that is in the projector room, in response to control signals issued by the cinema controller that is located at the location of the multiplex cinema. However, reading the claims in the broadest sense, Rabowsky in view of Mercs does meet the limitations of the claims. The “plurality of locations” is the different screen rooms in the theater or multiplex cinema, where each room would have a DCP (See Mercs Fig. 1a). Control signals are sent from the central controller 160, which is remotely located from the rooms, to the DCPs that would result in the control of various facility elements (See Mercs Fig. 1a, column 2 lines 15-25). Furthermore, the DCP itself is considered a “facility element” and is controlled by central controller 160. Therefore, Mercs does disclose remote automated control of facility elements.

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JGU
December 5, 2005



VIVEK SRIVASTAVA
PRIMARY EXAMINER